

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ERIC L. WILLIAMS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 3:16-CV-2516-M
	§	
KEITH INGRAM, Director of Elections for	§	
the State of Texas, and	§	
COBY SHORTER III, Deputy Secretary of	§	
State for the State of Texas,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

On August 31, 2016, the Court denied Plaintiff Eric Williams's request to proceed *in forma pauperis*, and ordered Plaintiff to pay the statutory filing fee by September 14, 2016. The Court further warned Plaintiff that, if he failed to timely pay the fee, his case would be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). Plaintiff did not pay the fee as ordered.

A district court has authority to dismiss a case for want of prosecution or for failure to comply with a court order. Fed. R. Civ. P. 41(b); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). This authority "flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases." *Boudwin v. Graystone Ins. Co.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash Railroad Co.*, 370 U.S. 626 (1962)). Such a dismissal may be with or without prejudice. *See Long v. Simmons*, 77 F.3d 878, 879-80 (5th Cir. 1996). A dismissal with prejudice is appropriate only if the failure to comply with the court order was the result of purposeful delay or contumacious conduct and


the imposition of lesser sanctions would be futile. *Id.* at 880; *see also Berry v. CIGNA/RSI-CIGNA*, 975 F.2d 1188, 1191 (5th Cir. 1992).

The Court previously ordered Plaintiff to pay the statutory filing fee by September 14, 2016. Plaintiff has not complied with that Order, or responded to the Court in any way, despite the warning that his case would be dismissed if he did not pay the filing fee. Dismissal is clearly warranted under these circumstances.

Accordingly, this case is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

SO ORDERED.

Dated: September 16, 2016.



BARBARA M. G. LYNN
CHIEF JUDGE